

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

ERNEST DALE NEWMAN, #560787 §
VS. § CIVIL ACTION NO. 6:05cv327
BRAD LIVINGSTON, ET AL. §

ORDER OF DISMISSAL

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Judith K. Guthrie. The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and adopts same as the findings and conclusions of the Court. It is therefore

ORDERED that the complaint is **DISMISSED** with prejudice for purposes of *in forma pauperis* proceedings pursuant to 28 U.S.C. § 1915(g). The Plaintiff's *in forma pauperis* status is revoked. The Plaintiff may resume the lawsuit if he pays the entire filing fee of \$250 within thirty days from the entry of this Order. All motions not previously ruled on are hereby denied.

So ORDERED and SIGNED this 13th day of December, 2005.



LEONARD DAVIS
UNITED STATES DISTRICT JUDGE